

**UTILITY PATENT APPLICATION TRANSMITTAL***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
TN337CTotal Pages in this Submission  
84**TO THE COMMISSIONER FOR PATENTS****P. O. Box 1450  
Mail Stop Patent Application  
Alexandria, VA 22313-1450**22278 U.S. PTO  
10/728471

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**OPTIMIZING VIRTUAL INTERFACE ARCHITECTURE (VIA) ON MULTIPROCESSOR SERVERS AND PHYSICALLY INDEPENDENT CONSOLIDATED NETWORK INTERFACE CARD (NICS)**

and invented by:

**Dwane E. Ebersole and Anthony Narisi**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**APPLICATION ELEMENTS**

1. ☒ Filing Fee as calculated and transmitted as described below
2. ☒ Specification having 52 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Microfiche Appendix *(if applicable)*
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if applicable)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
TN337CTotal Pages in this Submission  
84**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal      Number of Sheets 21
- b. ☐ Informal      Number of Sheets \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☐ New executed *(original or copy)*      ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional applications only)*
- c. ☐ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
- Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b)
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
14. ☐ Certified copy of Priority Document(s) *(if foreign priority is claimed)*
15. ☒ Certificate of Mailing

☐ First Class      ☒ Express Mail *(Specify Label No.):* EU647807215US

**UTILITY PATENT APPLICATION TRANSMITTAL***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
TN337CTotal Pages in this Submission  
84**Accompanying Application Parts (Continued)**

16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Additional Enclosures *(please identify below)*:

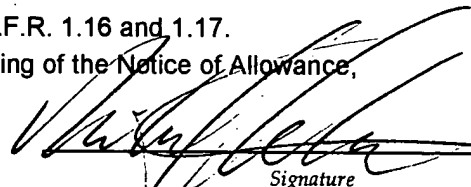
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**Fee Calculation and Transmittal****CLAIMS AS FILED**

| For   | #Filed | #Allowed | #Extra | Rate | Fee      |
|---|--------|----------|--------|------|----------|
| Total Claims  | 17     | - 20 =   | 0      | \$18 | \$0.00   |
| Indep. Claims   | 3      | - 3 =    | 0      | \$86 | \$0.00   |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> (\$280.00) |        |          |        |      | \$0.00   |
| BASIC FEE   |        |          |        |      | \$770.00 |
| OTHER FEE <i>(specify purpose)</i> _____  |        |          |        |      | \$0.00   |
| TOTAL FILING FEE  |        |          |        |      | \$770.00 |

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-3790** as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$770.00 as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: December 5, 2003



Signature

Michael B. Atlass, Reg. No. 30,606  
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**NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)**

**First Named Inventor:** Dwane E. Eb rsol

**Title:** OPTIMIZING VIRTUAL INTERFACE ARCHITECTURE (VIA) ON  
MULTIPROCESSOR SERVERS AND PHYSICALLY INDEPENDENT CONSOLIDATED  
NETWORK INTERFACE CARD (NICS)

**Attorney Docket No.** TN337C

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Date: December 5, 2003



Michael B. Atlass  
Registration No.30,606

This request must be signed in compliance with 37 C.F.R. 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Dwane E. Ebersole and Anthony Narisi

DOCKET NO.  
**TN337C**Serial No.  
To Be AssignedFiling Date  
HerewithExaminer  
T Be AssignedGroup Art Unit  
T Be AssignedInvention: **OPTIMIZING VIRTUAL INTERFACE ARCHITECTURE (VIA) ON MULTIPROCESSOR SERVERS AND PHYSICALLY INDEPENDENT CONSOLIDATED NETWORK INTERFACE CARD (NICS)**

I hereby certify that following:

Certificate of Mailing by Express Mail (1 page)  
U.S. Patent Application Transmittal (4 pages)  
U.S. Patent Application/Specification (52 pages)  
Formal Drawings (Figs. 1-20) 21 sheets)  
Unexecuted Declaration/Limited Power of Attorney (4 pages)  
Nonpublication Request Form (1 page)  
Self-Addressed Return Post Card for Receipt (1 card)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2003.

MICHAEL ATLAS

(Type or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EU647807215US

("Express Mail" Mailing Label Number)